

UNITED STATES DISTRICT COURT

District of Massachusetts

Peierls Foundation, Inc. and E. Jeffrey Peierls,
individually, and as trustee,

Plaintiffs,

v.

James E. Rurka, Mark Skaletsky, Paul J. Mellett,
Richard Aldrich, Kate Bingham, Charles W.
Newhall III, David Schnell, and John P. Walker,

Defendants.

TO: Paul J. Mellett

SUMMONS IN A CIVIL CASE

CASE NUMBER:

03 12213 EFH

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

David E. Marder
Robin's, Kaplan, Miller & Ciresi LLP
111 Huntington Avenue, Suite 1300
Boston, MA 02199

an answer to the complaint which is served on you, with this summons, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

TONY ANASTAS

CLERK

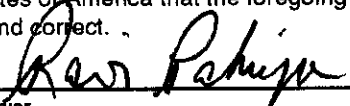


(BY) DEPUTY CLERK

NOV 12 2003

DATE

RETURN OF SERVICE

Service of the Summons and Complaint was made by me (1)		DATE December 23, 2003	
NAME OF SERVER RAVI PAHUJA		TITLE Process Server / A Disinterested Person	
Check one box below to indicate appropriate method of service			
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <div style="text-align: center;">500 Arsenal Street, Watertown, MASSACHUSETTS</div>			
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person whom the summons and complaint were left: <div style="text-align: center;">Said service was made at: _____, MASSACHUSETTS</div>			
<input type="checkbox"/> Other: By handing true and attested copies thereof to _____ Duly Authorized Agent for the within-named _____ Said service was made at: _____, MASSACHUSETTS			
STATEMENT OF SERVICE FEES			
TRAVEL	SERVICES	TOTAL	
	\$ 103.00	\$ 103.00	
DECLARATION OF SERVER			
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.			
Executed on <u>December 23, 2003</u> Date		 Signature of Server One Devonshire Place, Boston, Massachusetts Address of Server	
ADDITIONAL INFORMATION			
PLEASE NOTE THAT IT WAS NECESSARY TO MAKE <u>2</u> ATTEMPTS BEFORE MAKING PROPER SERVICE.			
Date	Time	Remarks	FEE
12/22/03	2:30p.m.	No service at 78 Fourth Ave., Waltham, Ma. - A Secretary for Essential Therapeutics stated Paul Mellett no longer works at said address and the only forwarding information said Secretary would provide is Mr. Mellett's cell phone #781-760-1169.....Process Server called said #, got voice mail and left a message asking for a call back.....	\$ 34.00
On 12/23/03 Process Server learned Mr. Mellett works at Enanta Pharmaceuticals, 500 Arsenal St., Watertown, Ma.			\$.00
12/23/03	2:45p.m.	When Process Server arrived at 500 Arsenal St., Watertown, Ma. he learned Mr. Mellett was on a conference call and could not be disturbed....Your Office instructed Process Server to wait.....Process Server waited until 3:30p.m. when In Hand Service was made... Trip-\$29 Wait-\$40	\$ 69.00
DUE & DILIGENT SEARCH: \$.00 No service was made because when constable arrived at said address he discovered said address to be			TOTAL \$ 103.00

(1) As to who may serve a summons see Rule 4 to the Federal Rules of Civil Procedure.